

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CONNIE FINNEY,
on behalf of C.F.,

Plaintiff,

Case No: 1:15-cv-460

v.

HON. JANET T. NEFF

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

MEMORANDUM OPINION

This matter is before the Court on Plaintiff's Unopposed Application for Attorneys' Fees under the Equal Access to Justice Act (Dkt 21), requesting \$3,421.25 in fees, consisting of \$656.25 in attorney fees and \$2,765.00 in paralegal fees. The motion was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court grant in part and deny in part Plaintiff's motion (Dkt 23), awarding Plaintiff's requested attorney fees of \$656.25 (3.75 hours at \$175 an hour), but reducing the hourly rate for paralegal services from \$100 to \$75, for paralegal fees of \$2,073.75 (27.65 hours at \$75 an hour). The matter is before the Court on Plaintiff's objections to the Report and Recommendation (Dkt 29). Defendant did not file a response to the objections.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the R & R to which objections have been made. The Court denies the objections.

Plaintiff argues that the Magistrate Judge erred in determining that an appropriate and

reasonable hourly rate for paralegal services is \$75 rather than \$100. Plaintiff contends that the Magistrate Judge provided inadequate justification for the \$75 rate she recommends, that it is contrary to recent fees approved by this Court, and that the Magistrate Judge failed to respond to Plaintiff's multiple contentions supporting the hourly rate of \$100.

These objections are denied. The Magistrate Judge properly considered that an hourly rate of \$100 may be appropriate for the Chicago area, but that the rate is greater than this Court has approved in previous cases, and that the \$75 rate was not inconsistent with that found reasonable in cases decided by other courts, which she cited by example (Dkt 23 at PageID. 544). That Plaintiff has identified several other cases in this District awarding "law clerk" or paralegal fees under different facts and circumstances does not undermine the determination that \$75 is an appropriate and reasonable hourly rate for paralegal services. Plaintiff has shown no error in the Magistrate Judge's reasoning or conclusion. The Report and Recommendation is adopted. An Order will be entered consistent with this Memorandum Opinion.

Dated: March 9, 2017

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge